

ACE EARTHMOVING,

Appellant

**Representing the Appellant:**

JP Comyford, Partner/Owner  
Ace Earthmoving  
1100 N Schoolhouse Rd.  
Grants Pass, Oregon 97526

**Representing the Government:**

Mary E. Sajna, Esquire  
Office of the General Counsel  
U. S. Department of Agriculture  
1220 S.W. Third Avenue, Room 1734  
Portland, Oregon 97204-2825

AGBCA No. 2005-142-1

**ORDER OF THE BOARD OF CONTRACT APPEALS**

**December 27, 2005**

**Opinion for the Board by Administrative Judge POLLACK.**

This appeal arises out of Contract No. 53-0M00-04-34B, Snow Plowing and Debris Removal for Galice Ranger District and Tiller Ranger District, between the U. S. Department of Agriculture, Forest Service, Grants Pass, Oregon and Ace Earthmoving of Grants Pass, Oregon. Ace had entered into a contract to perform services. Prior to doing the physical work required, the contract was terminated for convenience of the Government. Ace submitted a claim for compensation and after that was denied by final decision dated January 10, 2005, filed a timely appeal.

On December 9, 2005, the Board held a telephone conference with the principal of Ace and with Government counsel. At that time, the Board shared its concerns over a number of issues and reviewed how termination settlements are normally structured and what is included. The Board encouraged the parties to engage in further discussions, in light of the information exchanged. By letter of December 22, 2005, the Board was notified that the parties had negotiated a settlement and agreed to dismissal with prejudice.

**DECISION**

The parties have negotiated a settlement. Accordingly, the appeal is dismissed with prejudice.

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**HOWARD A. POLLACK**  
Administrative Judge

**Issued at Washington, D.C.**  
**December 27, 2005**